

## Chapter 21.50

### CONDOMINIUM CONVERSIONS

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#### **21.50.010 Purpose.**

The City Council of the City of Lincoln, Nebraska, having found and determined that there is an increasing percentage of residential rental units in other cities that have been converted to condominiums, and that a portion of the City of Lincoln's rental housing is presently being converted to condominium status; that it is necessary for the city to obtain accurate information regarding the effect of such conversions on available rental housing within the city; that the prospective purchasers of such condominium units are often without knowledge of the unique concepts of ownership involved; and that tenants, particularly elderly tenants, are displaced without adequate time and ability to obtain replacement housing, thus creating a situation detrimental to the health, safety, and welfare of the people of the City of Lincoln, it is necessary and appropriate for the city to require that sellers of condominium units to prepare and file information relative to such condominium conversions and to provide adequate notice to tenants in buildings intended for conversion. (Ord. 12795 §1; January 21, 1980).

#### **21.50.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Condominium** shall generally mean the property covered by the master deed which established the condominium property regime under the Condominium Property Act, Neb. Rev. Stat. § 76-801, et seq., as amended, but as used in this ordinance, condominium only refers to a conversion as herein defined. Excluded are non-residential buildings and newly constructed residential buildings which have not been previously occupied.

**Conversion** or **Converting** shall mean the offering for sale by an owner of an apartment that was previously a residential rental apartment.

**Owner** shall mean a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, who owns the property.

**Effective date.** Excluded from this ordinance are condominium property regimes that have already been established by master deeds which have been recorded in the register of deeds office; or buildings for which the condominium conversion has already been publicly announced and for which signed purchase agreements already exist for the conveyance of any apartment thereof. (Ord. 12795 §2; January 21, 1980).

### **21.50.030 Property Report.**

Prior to the furnishing of notice as required herein, the owner shall prepare and file with the building official a condominium property report, said report to be subscribed by said owner. The report shall contain the following information:

(a) Statement indicating the names and addresses of the owner and developer of the project. If the owner is a partnership, the name and address of a general partner will be furnished. If the owner is a corporation, the name of the president or chief executive officer will be furnished.

(b) Attached to the condominium property report will be a copy of the proposed or filed master deed, with attached exhibits, which will include the following:

- (1) Description of the land;
- (2) General description and number of each apartment, expressing its area, location, and any other data necessary for its identification;
- (3) Description of the general common elements of the building, including recreational facilities;
- (4) Value of the property and of each apartment;
- (5) Covenants, conditions, and restrictions relating to the regime, which shall run with the property;
- (6) Copy of the plans of any building, showing the dimensions, area, and location of each apartment therein and the dimensions, area, and location of common elements affording access to each apartment.

(c) Statement setting forth the occupancy rates and the rental rates charged for all residential rental apartments of the project for the year preceding the filing of this report.

(d) Copy of sale brochures. If none have been prepared, copies will be later submitted if and when they are prepared.

(e) Statement as to projected sale prices, terms, and options available to tenants and buyers.

(f) Copy of the proposed purchase agreements, if prepared. If none have been prepared, copies will be later submitted if and when they are prepared.

(g) Statement as to projected closing and settlement costs, taxes, and special assessments that will apply to the project and the condominium association.

(h) Statement as to estimated association monthly assessments for the first year of operation.

(i) Copy of the initial notice of intent to convert, which has or will be hand-delivered or mailed to the present tenants. (Ord. 12795 §3; January 21, 1980).

### **21.50.040 Notice Requirement for Tenants in Building to Be Converted.**

Before proceeding with the conversion of any apartment in a project, the owner shall:

(a) Notify all existing tenants in said project, in writing, of the owners' intent to convert, and the proposed date thereof;

(b) Said notice will provide, at a minimum:

- (1) The address where a copy of the master deed, with attachments, can be reviewed;
- (2) Name and address of the person who may be contacted for further information;
- (3) Address where the condominium property report has been filed;
- (4) An option for the current tenant to purchase the apartment, said option to remain in force for sixty days after receipt of the notice;

(c) Any tenant may waive any provisions set forth in this notice; provided, however, that said waiver must be executed in writing after the date of the notice;

(d) Any right that the tenant has to exercise any option is terminated upon the termination of his tenancy. Option rights are not transferable to a third party.

(e) No tenancies will be terminated by the owner for a period of 180 days after notice has been given to the tenant of the condominium conversion, under Neb. Rev. Stat. § 76-1437 (Reissue 1986), as amended; provided, however, the owner can terminate a tenancy because of noncompliance with a rental agreement, as set forth in Neb. Rev. Stat. § 76-1431 (Reissue 1986), as amended;

(f) Any tenant who has a lease exceeding thirty days will be allowed to terminate said lease; provided, that the lessee accepts the status of a tenant on a month-to-month tenancy commencing on a periodic rental date. Said tenant may terminate the month-to-month tenancy only as provided in Neb. Rev. Stat. § 76-1437(s) (Reissue 1986), as amended.

(g) Nothing herein will prevent the owner of the building from remodeling or selling any apartment during this 180-day period, provided that the apartment is vacant; and nothing herein will prevent the owner from showing said apartment or actually entering into purchase agreements for the sale of said apartment after the sixty-day option period;

(h) Nothing herein obligates the owner to proceed with the conversion after notice has been given; provided, however, that if the conversion does not take place within thirty-six months after the initial notice, the owner must then refile a new condominium property report and provide new notice to the tenant, as hereinbefore set forth. (Ord. 15654 §25; July 9, 1990; prior Ord. 12795 §4; January 21, 1980).

#### **21.50.060 Failure to Comply.**

Failure to comply with the provisions of Sections 21.50.010 through 21.50.040 shall be deemed to constitute a nuisance, and the City Attorney is authorized to institute injunctive or other appropriate action or proceedings in a court of competent jurisdiction to enjoin such violation. (Ord. 12795 §6; January 21, 1980).